

Remarks/Arguments

Examiner rejects claims 1,3-5,16,17, and 20 as being unpatentable over Saeger (US 4,744,494) in view of Kroll (US 6,592,513). Applicant has modified claims 1, 16, and 17 to include the limitation of sterility. Support for the amendment may be found in Hammerslag (US 6,386,203, col 11, line 15-35), which is incorporated by reference into applicant's specification at paragraph [0016], last sentence. Applicant's device is designed to be used in a medical context, especially the application of precise amounts of adhesives during otologic procedures, therefore sterility of the device and contents are critical aspects of the invention. Applicant's device and contents are compatible with sterilization procedures. The device of Saeger is designed to deliver non-sterile caulking materials. There is no teaching or suggestion that the Saeger device and materials could be sterilized or used in sterile procedures. Applicant therefore suggests that there is no teaching, suggestion, or common sense reason to combine the device of Saeger with the teachings of Kroll to arrive at the instant invention.

Examiner rejects claim 2 over Saeger in view of Kroll and Brown (US 5,201,752). Examiner rejects claim 9 over Saeger in view of Kroll and Wyrick (US 5,695,472). Examiner rejects claims 11-14 over Saeger in view of Kroll and Dragan (US 4,472,141). Applicant respectfully suggests, as stated above, that the device of Saeger is designed to deliver non-sterile construction materials, that there is no teaching or suggestion that the Saeger device is compatible with sterile medical procedures, and there is therefore no teaching, suggestion, or common sense reason to combine the teachings of Saeger with the teachings of Kroll, Brown, Wyrick, and Dragan to arrive at the instant invention.

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Applicant respectfully requests withdrawal of the rejections, allowance of the claims, and that a timely notice of allowance be issued in the application.

Respectfully Submitted,



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